IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

BOKF NA, *et al.*,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	Case No. 3:18-CV-00794-N
	§	
VICKIE SUE WISE, *et al.*,	§	
	§	
Defendants.	§	

**UNOPPOSED
JOINT MOTION EXTENSION
OF DISCOVERY DEADLINE AND DISPOSITIVE MOTION DEADLINES
<u>SET FORTH IN SCHEDULING ORDER [DOC. 021]</u>**

Plaintiff, BOKF NA, ("the Bank") and Defendants Vickie Sue Wise ("Wise), Carroll "Skip" Davis, Melissa Morgeson Del-Cid, and Hilltop Securities, Inc. (Hilltop), hereinafter Defendants as "Hilltop"), jointly request extension of the Discovery Deadline and Dispositive Motion Deadline.[1]

Certificate of Conference Local Civil Rule 7.1

1.   This motion is unopposed, with the understanding that Defendants do not waive, and expressly reserve, their position that Plaintiff is not entitled to any discovery until the Court rules on the pending Motion to Dismiss.

2.   The Bank is prepared to address outstanding discovery from Defendants and to proceed to trial as scheduled. The foregoing notwithstanding, if this Court allows discovery for the Defendants, the Bank should be afforded full discovery.

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[1] Proposed Order at Exhibit 1.

3.   Defendants contend that in the event their pending Motion to Dismiss is denied, a new scheduling order should be entered to allow them to file an Answer and conduct discovery in an orderly fashion.

4.   Counsel for the Bank met and conferred with counsel for the Defendants regarding a motion for extension of the discovery deadline and dispositive motion deadline. Said conference occurred on: January 29, 2019.

Grounds for Extension

As grounds for the Extension, Plaintiff and Defendant state as follows.

5.   The Scheduling Order was entered on May 18, 2018. [Doc. 021]. Discovery is set to close 90 days before trial. [Doc. 021 at p. 2 ¶ 3(e)].   Dispositive Motions are due 90 days before trial.   [Doc. 021 at p. 2 ¶ 3(e)].   Ninety (90) days before trial is February 5, 2019.

6.   The Bank is a national banking association. The Bank has alleged that Wise, Davis and Del-Cid were employees of the Bank and performed services on behalf of Bank customers.

7.   The Bank issued discovery and set depositions in to be completed before the Discovery Deadline set forth in the Scheduling Order of February 5, 2019. [Doc. 021] (Scheduling Order).   [Doc. 024] (The Bank's Notice of Service of Discovery Requests and Exhibit 2 (The Bank's Discovery Requests)[2] and Exhibit 3 (Combined Deposition Notices).[3]

Defendant's Motion to for Protective Order to Quash all Bank Discovery

1.   Defendants are Hilltop Securities, Inc. (a broker dealer) and individual employees of Hilltop Securities, Inc.   The Defendants assert that Wise, Davis, and Del-CID were not employed by the Bank, but instead by an affiliate of the Bank that sold securities. The Defendants have a Motion to Dismiss pending and have not yet filed an Answer.

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[2] [Doc. 025-001].
[3] [Doc. 025-003].

2.   Defendants have filed a motion for protective order to avoid all depositions of Defendants. [Doc. 025] (Defendants' Joint Motion for Protective Order).

3.   Defendants objected and object to all written interrogatories, requests for production of documents and request for admissions issued by the Bank. Exhibit 2 (The Bank's Combined Set of Discovery Requests) and Exhibit 4 (The Defendants responses and objections to all discovery requests.)

Joint Request for Extension

4.   Therefore, the parties jointly agree to the entry of an extension of the present discovery deadline and dispositive motion deadline by forty-five (45) days so that the parties may address these discovery issues with the Court. Again, Defendants contend that if the Motion to Dismiss is denied, a new scheduling order will need to be entered.

Proposed Order Granting Extension of Discovery and Dispositive Motion Deadlines

5.   Defendant has submitted this same date a clean and signed copy of an Order Extending Discovery and Dispositive Motion Deadlines to Godbey_orders@txnd.uscourts.gov. Exhibit 1.

Compliance with Rules, Local Rules, and Judge Godbey's Judge Specific Requirements

6.   This Motion is in compliance with the instructions on the Protective Order page of the United States District Court of the Northern District of Texas websites and Judge Godbey's Judge Specific Requirements for Protective Orders. See: http://www.txnd.uscourts.gov/rules-and-orders and http://www.txnd.uscourts.gov/judge/district-judge-david-godbey.

Conclusion

Wherefore, the parties respectfully request that this court enter the Order Extending Discovery Deadline and Dispositive Motion Deadline submitted concurrently herewith pursuant to the CM/ECF Administrative Guide and Policies and Procedures.

Respectfully jointly submitted by,

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CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 29th day of January, 2019 that the undersigned electronically transmitted the forgoing document to the following:

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